

Notice of Allowability	Application No.	Applicant(s)	
	09/723,228	GOINO, TADASHI	
	Examiner	Art Unit	
	Igor Borissov	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/2006.
2. ☒ The allowed claim(s) is/are 1-3,6-8,10-13,16-18,21-27,29,30 and 32-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

Amendment received on 3/13/2006 is acknowledged and entered. Claims 4, 5, 9, 14, 15, 19, 20, 28 and 31 have previously been canceled. Claims 1, 29, 32, 34 and 35 have been amended. Claims 1-3, 6-8, 10-13, 16-18, 21-27, 29, 30 and 32-35 are currently pending in the application.

Claim Rejections under 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Douglas J. Christensen (Reg. No.:35,480) on Friday, May 19, 2006.

The application has been amended as follows:

IN THE CLAIMS

Claim 1, page 2, lines 8-9, amend as follows:

"contestan, physical ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant[[:]], said

sales amount of the contestant is determined from the amount of sales of goods associated with the contestant;

Claim 1, page 2, lines 13 - 14, amend as follows:

“displays an image of the article and ~~an image or~~ a frame of the advertisement and is adapted to provide changing of the position and the size of ~~the image or~~ the frame of the advertisement on”

Claim 1, page 3, line 1, amend as follows:

“the image of the article through manipulation of ~~the image or~~ the frame of the advertisement with”

Claim 29, page 7, line 1, amend as follows:

29. (Currently amended) A ~~server computer~~ system for selling a right through a computer network of indicating an advertisement on an article associated with a contestant participating in a contest, ~~wherein the server computer is operable to:~~ comprising:

a server computer programmed to:

transmit to a terminal computer of a potential buyer an indicator of advertising effectiveness for a contestant, the indicator representing at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, physical ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant[[:]], said sales amount of the contestant is determined from the amount of sales of goods associated with the contestant;

display, on the terminal computer of the potential buyer, a page for designating a display position and a display size of the advertisement on the article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays an image of the article and ~~an image or a frame of the advertisement~~ and is adapted to provide changing of the position and the size of ~~the image or the frame of the advertisement~~ on the image of the article through manipulation of ~~the image or the frame of the advertisement~~ with a mouse device of the terminal computer of the potential buyer;

determine a selling price for the right in accordance with a predetermined mathematical expression using numerical parameters including the display position and the display size of the advertisement designated by the potential buyer, and the indicator of advertising effectiveness of the contestant; and

display both of an image that shows the display position and the display size of the advertisement designated by the potential buyer and the selling price on the terminal computer of the potential buyer.

Claim 34, page 9, lines 10-11, amend as follows:

“contestan, physical ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant[[:]], said sales amount of the contestant is determined from the amount of sales of goods associated with the contestant;”

Claim 34, page 9, forth paragraph, starting on line 12, amend as follows:

“display, on the bidirectional communication terminal device, a page for designating a display position and a display size of the advertisement on the

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article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays an image of the article and ~~an image or~~ a frame of the advertisement and is adapted to provide changing of the position and the size of ~~the image or~~ the frame of the advertisement on the image of the ~~advertisement~~ article with a mouse device of the bidirectional communication terminal device of the potential buyer;"

Claim 35, page 10, first paragraph, starting on line 1, amend as follows:

"35. (Currently amended) A ~~server computer~~ system for selling a right through a computer network of indicating an advertisement on an article associated with a contestant participating in a contest, ~~wherein the server computer is operable to:~~ comprising:
a server computer programmed to:"

Claim 35, page 11, lines 3-4, amend as follows:

"physical ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant~~[[;]]~~, said sales amount of the contestant is determined from the amount of sales of goods associated with the contestant;"

Claim 35, page 11, lines 8-13, amend as follows:

"wherein the page displays an image of the article and ~~an image or~~ a frame of the advertisement and is adapted to provide changing of the position and the size of ~~the image or~~ the frame of the advertisement on the image of the article through manipulation of ~~the image or~~ the frame of the

advertisement with a mouse device of the bidirectional communication terminal device of the potential buyer;"

Allowable Subject Matter

Claims 1-3, 6-8, 10-13, 16-18, 21-27, 29, 30 and 32-35 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 29, 34 and 35, the best prior art, Gupta et al. (US 6,487,538 B1) in view of Benson (US 6,470,079 B1) further in view of Namanny et al. (US 6,254,478 B1) and further in view of DiCicco et al. (US 5,892,554), teaches a method and system for conducting a local advertising, said system including a server and a plurality of clients computers interconnected with the server via a network, wherein advertisement is presented to audiences during television or on-line program, and wherein the clients/advertisers can buy an advertisement slot, the price of which depends on advertisement size, slot location on a web page (site), and on popularity of said web site; wherein the effectiveness of advertising campaign is monitored and results are reported to the subscriber over the network with the results being indicative of achievements of the campaign in terms of realized or lost sales; and wherein said system is adapted to insert static and dynamic images into a live broadcast, with the ability to change a zoom ratio of the advertisement as well as position of the advertisement.

However, while the combination teaches that said television or on-line program includes a televised competition, wherein contestants wear clothing with a sponsor's name, trademark or logo, the combination fails to disclose displaying a page for designating a display position and a display size of the advertisement on the article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays

an image of the article and a frame of the advertisement and is adapted to provide changing of the position and the size of the frame of the advertisement on the image of the article with a mouse device of the terminal computer of the potential buyer. Furthermore, the combination fails to disclose transmitting an indicator of advertising effectiveness for a contestant, wherein the indicator represents at least one of the following characteristics of the contestant: achievements, popularity, physical ability, talent, audience rating and said sales amount of goods associated with the contestant.

The best foreign art, Strachan (GB 2 258 065 A) teaches a method for analyzing television program and advertising data, including monitoring advertising data during broadcast program; matching data for advertisements booked with that for broadcast programs and advertisements; and generating of a report indicating cost per unit viewer and costs per viewer rating, and sorting the data to generate performance reports for each advertisement and each campaign.

However, Strachan fails to disclose displaying a page for designating a display position and a display size of the advertisement on the article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays an image of the article and a frame of the advertisement and is adapted to provide changing of the position and the size of the frame of the advertisement on the image of the article with a mouse device of the terminal computer of the potential buyer. Furthermore, Strachan fails to disclose transmitting an indicator of advertising effectiveness for a contestant, wherein the indicator represents at least one of the following characteristics of the contestant: achievements, popularity, physical ability, talent, audience rating and said sales amount of goods associated with the contestant.

The best NPL prior art, Pfalzgraf, "Boycott phobia: Separating fact from fiction",

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discloses buying by advertisers advertisement spots during live sports broadcasts; and inability to forecast the return during live broadcasting.

However, Pfalzgraf fails to disclose displaying a page for designating a display position and a display size of the advertisement on the article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays an image of the article and a frame of the advertisement and is adapted to provide changing of the position and the size of the frame of the advertisement on the image of the article with a mouse device of the terminal computer of the potential buyer. Furthermore, Strachan fails to disclose transmitting an indicator of advertising effectiveness for a contestant, wherein the indicator represents at least one of the following characteristics of the contestant: achievements, popularity, physical ability, talent, audience rating and said sales amount of goods associated with the contestant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
5/31/2006

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized flourish at the end.

IGOR N. BORISSOV
PRIMARY EXAMINER